

Adoption Law Reform

Summary of feedback on
2022 engagement

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Background

1. This report provides a summary of engagement on the discussion document *A new adoption system for Aotearoa New Zealand*. Public engagement was carried out from June to August 2022. This was the second round of engagement on the Government's programme of adoption law reform.
2. The 2022 round of engagement asked for views on options for a new adoption system set out in the discussion document. These options for the new system had been developed following 2021 engagement, which asked people to share their thoughts about current adoption laws and some ideas for change.
3. The report draws together key themes and aggregated views that we received from submitters across public and targeted engagement. It cannot, nor does it intend to, reflect the wealth of diverse views and personal stories about adoption that we heard in engagement. All views have brought value to this engagement process and will be considered in policy formation of the new system.

Engagement on options for a new adoption system

4. In the 2021 engagement, the Ministry received written submissions from, or held in person and online engagements with, over 270 people and organisations from a range of different backgrounds and experiences.
5. The Ministry held a second round of engagement from 20 June to 7 August 2022 on the discussion document. Engagement sought people's feedback on the options the Government is considering for creating a new adoption system.
6. We offered several ways to provide feedback on the options for reform, including:
 - 6.1. **Written submissions**
 - 6.2. **An online survey**
 - 6.3. **Focus groups with people impacted by adoption** – we contracted Malatest International to run a series of seven focus groups, using a mix of online and in person engagements in Auckland, Wellington and Christchurch
 - 6.4. **Māori community workshops** – we partnered with National Iwi Chairs Forum Pou Tikanga ('Pou Tikanga') to run five community workshops with interested whānau, hapū and iwi Māori, using a mix of in-person and online hui
 - 6.5. **Workshops with Waikato Tainui and Ngāi Tahu** – at their request, we held workshops with Waikato Tainui and Ngāi Tahu members
 - 6.6. **Talanoa with Samoan communities** – we contracted Martin Jenkins to deliver four talanoa in Auckland, Wellington and Christchurch. Some follow up

interviews were held with Wellington-based community members due to a low number of attendees at the talanoa

- 6.7. **Talanoa with other Pacific communities** – We partnered with the Ministry of Foreign Affairs and Trade and the Ministry for Pacific Peoples to deliver three talanoa with Tongan, Tuvaluan and Kiribati communities in New Zealand
- 6.8. **Interviews with adopted young people** – we contracted MartinJenkins to perform in-depth interviews with 10 young adopted people aged between 16-32 years old
- 6.9. **A wānanga on whāngai** - Pou Tikanga and Ināia Tonu Nei¹ co-hosted a wānanga whāngai.

Process related to engagement on whāngai

7. In 2021, our engagement process did not elicit as much feedback as we had hoped from Māori on adoption law reform and whāngai. Those Māori we did hear from described practical barriers associated with the lack of legal recognition of whāngai. In addition, nearly everyone agreed that section 19 the Adoption Act 1955, which explicitly provides that whāngai arrangements have no legal effect, should be repealed. There were mixed views on whether it is appropriate to legally recognise whāngai in legislation. There were concerns legislating for whāngai could undermine the mana of whāngai and that the Ministry of Justice, as a Crown agency, leading that work would be inappropriate.
8. In the second round of engagement, we carried out engagement with Māori on whāngai with the Iwi Chairs Forum Pou Tikanga and were part of a one-day wānanga.

Who did we hear from in 2022?

9. We received over 140 written submissions and engaged with over 200 people via in-person and online engagements.
10. We heard from a broad range of people with an interest in adoption law reform, including adopted people, adoptive parents, tamariki whāngai and mātua whāngai, birth and adoptive family and whānau, iwi Māori, Samoan and other Pacific communities, young people who had been adopted, professionals, and people with a general interest in adoption. As was the case in 2021, no one we engaged with identified themselves as being a birth father.
11. Around half of the people who made written submissions identified themselves as people who had been adopted. The next largest group was people with a professional

¹ Ināia Tonu Nei is a kaupapa Māori justice reform movement with a mana ōrite relationship with the Justice Sector Leadership Board, which comprises the heads of the six core Justice Sector agencies.

interest in adoption, at just over a quarter of written submitters. We also received written submissions on behalf of 14 organisations with an interest in adoption law reform.

Key themes from engagement

There was general support for the direction of reform

12. Among both written submissions and those we met in engagement, there was high general support for the overall approach of the reform and for the options set out in the discussion document. More information about the feedback we received on specific options is covered from page 13 onwards. The majority of people who commented on options at the core of the proposed new system were supportive, particularly of options relating to:
 - 12.1. setting out a purpose for adoption, centred around the child's best interests, and guiding principles for adoption;
 - 12.2. the availability of relevant information to inform decision-making and opportunities for participation, particularly by children and wider family and whānau;
 - 12.3. open and unrestricted access to information for adopted people, including their birth certificates and to other information held by government;
 - 12.4. the proposed new legal effect of adoption that provides for both birth and adoptive parents to be legal parents, but for guardianship and financial responsibility to transfer to the adoptive parents;
 - 12.5. post adoption contact agreements being considered in all adoptions; and
 - 12.6. adult adopted people being able seek reversal of their adoption.

Identity, information, openness and transparency were very important for the majority of submitters

13. At many of the in-person and online engagements the most emphasised theme was the importance of adopted people knowing their birth identity and whakapapa, and being able to easily access information about their adoption. Openness and transparency as underlying principles of adoption were also stressed.
14. Around 95 written submissions included views on the proposed principles for adoption related to preserving culture, identity and providing for openness and transparency. Of those, almost 70% agreed with these proposed principles. Most focus group participants and young adopted people we engaged with also agreed with the proposed principles.
15. Many people talked about preserving the child's identity and maintaining a connection to their culture and whakapapa. This theme was repeated throughout comments on other aspects of the proposed new adoption system.

“I’m heartened to see the clear emphasis on the protection of whakapapa and the preservation of, and connection to, culture and identity identified in the principles for adoption. I want to be very clear that my concerns for the preservation of whakapapa are not limited to adoptees of Māori descent. It is fundamental to all adoptees in the country”. [Comment from non-Māori adopted person - written submission]

16. Access to identity information was strongly supported across all engagements. In written submissions, the highest response rate of all questions (70% of respondents) was to the question about adopted people’s automatic access to information on their original birth record. Of those that responded, 81% of those agreed with automatic access. The large majority of people in in-person and online engagement also supported adopted people having unrestricted access to information about their origins and the circumstances of their adoption. Many people also strongly felt that those adopted in the past should also have unrestricted access to information about themselves.

“We strongly support that all adopted people should be able to access their birth and adoption information no matter their age (but with appropriate support offered if a child). This seeks to correct past wrongs which the Adoption Act 1955 legalised by denying adopted children their right to identity which is now protected under UNCROC²”. [Comment from professional organisation - written submission]

Support for children’s best interests being at the centre of the reforms

17. The majority of people agreed the law should set out a purpose for adoption centred around the child’s best interests. The proposed purpose of adoption was supported by 75% of written submitters that addressed this option, most focus group participants, and most interviewed adopted young people.
18. There was considerable support for the guiding principles for adoption, which included that the best interests of the child be the first and paramount consideration in the adoption process. A large majority in both written submissions and in-person and online engagement agreed with the proposed principles for adoption. Many people commented that adoption should centre on the needs of the adopted person.

“We commend this approach which clearly centres the child’s best interests at the heart of reform and provides guiding principles that recognise the child’s long-term wellbeing, participation, connection to culture and protection of whakapapa, the input of family and whānau and openness and transparency”. [Comment from professional organisation – written submission]

19. The best interests of the child were also raised as a key consideration when discussing other options across the adoption system. Those other options included:

² United Nations Convention on the Rights of the Child.

criteria for who should be able to adopt, whether adoption within a child's own culture should be encouraged, whether changes to a child's name should be allowed as part of an adoption, contact agreements, varying and reversing adoption orders, and matters relating to intercountry adoptions.

20. In engagements with Māori and Pacific communities, participants noted that there is a need to take a culturally informed and flexible approach to considering the best interests of the child. They said that children are not seen as separate from their whānau or aiga in Māori and Pacific cultures, and so determining what is in the child's best interests includes considering the interests of the wider family.

Many adopted people spoke about the harms of past adoption practice and some called for there to be no more adoptions

21. Many people talked about their concerns about past adoption practice and their own experiences of adoption.³ Some of the adopted people note that while they had had positive family experiences, adoption still had ongoing impacts on their life, which needed to be acknowledged. However, the majority of adopted people who provided a written submission or attended an engagement considered that being adopted had caused them harm. Some adopted people strongly advocated for adoption to be discontinued and some asked that it be replaced with an alternative, such as guardianship.

“As a Maori adoptee my view is adoption needs to be abolished as it harms adoptees and mothers affecting their wellbeing. The damage of adoption impacts on our future descendants. It needs to be replaced with Whāngai. There is an estimated 100,000 adults adopted as infants during Aotearoa’s Baby Scoop Era between 1940 - 1990. Please listen to our voices to prevent harming more children in the future. We have experienced it. Adoption is not in the best interest of the child. [Comment from Māori adopted person – written submission]

Many believe changes to the rights of adopted persons need to be applied retrospectively

22. Many people questioned whether aspects of the new adoption system would apply retrospectively to adoptions made under the Adoption Act 1955. In particular, this was

³ We note that past adoption practices are outside the scope of the adoption law reform process, which is guided by six objectives agreed by Cabinet in February 2021 (see Appendix 1). Adoption placements are part of the terms of reference for the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions.

raised in relation to options covering access to information and support (for example, counselling), providing two birth certificates for adopted people, and processes for discharging an adoption order.

“People adopted pre 1986 should be able to access their information as well. Any adoptee should be automatically able to request all their adoption files at any age with or without their original birth certificate. It is a breach of human rights to not be able to access this information.” [Comment from adopted person – written submission]

23. Some people also said that consideration of redress for the harms of past practice should form part of the current law reform process.

Support for the Crown’s Tiriti o Waitangi obligations to be reflected in the new adoption system

24. In written submissions, and in in-person and online engagement, both Māori and non-Māori mainly expressed support for the Crown’s obligations under te Tiriti to be incorporated into a new adoption system. Some Māori thought the options recognised the Crown’s Tiriti obligations for tamariki Māori.

“We endorse the involvement of the child’s wider whānau in the adoption process and the provision of an opportunity for their views to be heard both early on in the process via the social worker’s report (subject to their involvement not causing unwarranted distress). Together, these elements of the proposed revised adoption system will help ensure the child’s continued ability to express its whakapapa, recognising this expression as a crucial part of the child’s identity in accordance with tikanga Māori.” [Comment from written submission]

25. Around a third of people across all of our engagements supported the inclusion of a specific Tiriti principle to give effect to the Crown’s obligations, with around a quarter of people disagreeing. Some Māori we engaged with considered that a Tiriti principle was essential because it would reflect the Crown’s commitment to te Tiriti, and would align with other domestic legislation and with the other principles suggested for adoption.
26. Māori who responded to engagement spoke about the harms suffered by Māori adoptees through past adoption practice. Harms included disconnection from their whakapapa and loss of connection to culture from being adopted into non-Māori families. Māori submitters emphasised the importance of improving the treatment of Māori adoptees, preserving whakapapa and cultural connections, and empowering tangata whenua to make decisions for their tamariki. They argued this would also demonstrate that the Government is willing to uphold the mana of tangata whenua.

“[B]ecause the protection of Maori world views and cultural concepts is so very important, it is absolutely crucial that any adopted child can find out what their whakapapa and connection to the whenua is. they need to know their iwi and whakapapa because the current mechanisms continue to alienate Maori from their

heritage and culture. There are many wrongs that need fixing in this regard and respect and consideration to te Tiriti is paramount.” [Comment from written submission]

Pacific communities want to be able to continue their adoption practices

27. Participants in the Samoan, Tongan, Tuvaluan and Kiribati engagements clearly signalled that intercountry adoptions from the Pacific to New Zealand should continue. They said that adoption is a common cultural practice for these communities, with children often being adopted by relatives living in New Zealand and then brought to live here. The reasons for those adoptions range from parents not being able to have children of their own and children in the islands not being able to be cared for by their biological parents, to adoption being a way of bringing children to live in New Zealand for better education, work and other opportunities. People from the Kiribati and Tuvalu communities also mentioned climate change as a reason for wanting to adopt children from those nations and bring them to live in New Zealand.

28. People in the targeted Pacific communities’ engagement expressed strong concern that the proposed options could restrict their ability to practice their adoption customs and remove the adoption pathway that has been used to bring children to New Zealand.

“If people living in New Zealand can’t adopt children in Tonga this is a bad change.”
[Comment from talanoa]

29. People in the Pacific communities’ engagement supported increased scrutiny to ensure appropriate safeguards are in place to protect children’s wellbeing in the adoption process. They said safeguards should include better assessment of adoptive parents, although it was noted this should come from appropriate cultural perspectives.

“Adoption is such a great platform to be able to bring our extended families to have a very good life, but the absence of that office (to filter applications) means that everyone can adopt. As a result, I’ve seen people who are only on the benefit adopt and even their kids are on the benefit making babies. Then those ones adopted from the island come here and become the servants for those people and in my mind, I am like ‘why the heck do they allow people like this to adopt kids that are not being treated with their human rights?’ [Comment from talanoa]

30. Some people said that there should be a specific adoption pathway for those adopting from Pacific countries, given the special relationship between New Zealand and Pacific nations, and in particular the Treaty of Friendship with Samoa. They considered that different cultural understandings of adoption should be encompassed by any intercountry adoption process, and also that there should be support for adopted children to adapt to life in New Zealand.

“Samoans have the highest numbers of adoptions. Yet when the law changes its going to be focussed on the generic options. If we’re the biggest users of this process, then we should have a specific memorandum of understanding to cater to this process.” [Comment from talanoa]

Engagements on whāngai raised a need for further consideration of the issue, led by Māori

31. At the wānanga on whāngai, there were mixed views on whether whāngai should be legislated for. However, there was general agreement that:
 - 31.1. decisions on whāngai should be made by Māori
 - 31.2. whāngai needs to be viewed and treated as separate to adoption, and further Māori-led wānanga within whānau, hapū and iwi are needed before there can be consideration of whether whāngai should be reflected in the law.
32. This aligned closely with views from our other engagement with Māori. Iwi Māori and individual Māori in online engagement considered that the practice of whāngai should not be restricted by law, and that mātua whāngai should have the same access to services as parents of adopted children. Some people commented that whāngai is a good example of what adoption should be, and that the options for adoption law reform being considered would move the adoption system closer towards the concept of whāngai. Others suggested that a Tiriti principle should include whāngai and protection of whakapapa.

“We request that whāngai arrangements continue to be considered separately from adoption given they are of and from tikanga Māori and, as such, should not be subject to a fixed legislative process.” [Comment from written submissions]

33. Separately, some of the tamariki whāngai we engaged with noted that they also experienced feelings of loss in a similar way to those who had been adopted.

Feedback on options for proposed new adoption system

34. The rest of this paper provides a more detailed summary of the feedback received on the specific options for a creating new adoption system that were set out in the discussion document *A new adoption system for Aotearoa New Zealand*. A statistical record of written responses to the questions set out in the discussion document is provided in Appendix Two.

Purpose of adoption

35. The discussion document set out as an option:

That the purpose of adoption be that it:

- is a service for a child, and is in their best interests
- will create a stable, enduring and loving family relationship, and
- is for a child whose parents cannot or will not provide care for them.

36. The majority of people who responded to the purpose of adoption supported it being set out in law and centring on the child's best interests. 75% of written submissions on this option supported the purpose, with over half of those in support being adopted people. Comments on the purpose of adoption included:

36.1. arguments against adoption as a practice

36.2. the need for the purpose of adoption to be driven by children's rights, rather than adult rights and desires

36.3. that adults' rights should be considered in the purpose, and

36.4. that the purpose of adoption should be flexible to take into account the circumstances surrounding an adoption.

37. All focus group participants who thought adoption should continue, and most of the adopted young people that were interviewed, agreed that the purpose of adoption should prioritise the child. Some focus group participants noted that while adoption law should be child-centred, it should be responsive of the needs of adopted people as they grow into adults. They also noted that provision of a loving family relationship through an adoption cannot be guaranteed.

38. Those who participated in Māori and Pacific engagements, also noted that the purpose of adoption needs to be reconsidered from the perspective of other cultures. As discussed at paragraph 20, these cultures often considered that the best interests of children cannot be separated from the best interests of their whānau or aiga. In engagements with Māori, participants also noted that the purpose of adoption should consider the intergenerational impacts of adoption on whānau and whakapapa.

Principles for adoption

39. The discussion document set out the following as options for guiding principles for adoption:
 - 39.1. that the long-term well-being and best interests of the child or young person are the first and paramount consideration
 - 39.2. that a child is encouraged and supported to participate and give their views in adoption processes, and that their views are considered
 - 39.3. the preservation of, and connection to, culture and identity
 - 39.4. the protection of whakapapa
 - 39.5. recognition of the whanaungatanga responsibilities of family, whānau, hapū, iwi and family group
 - 39.6. recognition that primary responsibility for caring for a child lies with their family, whānau, hapū, iwi and family group
 - 39.7. that family and whānau should have an opportunity to participate and have their views taken into consideration, and
 - 39.8. openness and transparency.
40. 69% of written submissions agreed with the proposed principles for adoption. Nearly all those we engaged with, particularly those who were adopted, agreed that adoption should be a service centred on the needs of the adopted person.
41. Many people mentioned the importance of maintaining identity through a connection to culture and whakapapa, and that these links are integral to a sense of belonging and identity. This view was particularly strong for Maori, however many non-Māori adopted persons specifically commented that identity and whakapapa were concerns for all adopted persons, not just Māori.
42. Nearly all those we engaged with strongly agreed with the principle of openness and transparency. Adopted persons noted that a lack of transparency contributed to their experiences of identity loss. They stressed that it is important for openness and transparency to apply to existing adoptions.
43. 75% of written submitters agreed that family and whānau involvement should be encouraged in most cases, unless it could bring more distress and harm, for example in cases of neglect or abuse. However, around 10% of written submitters considered that birth parents alone should have the right to make decisions about adoption, and that family and whānau involvement should be only at their discretion.
44. Additional principles which were raised by more than three submitters included:
 - 44.1. adoption being considered as the last resort for children needing care
 - 44.2. access to information, in particular health-related information and information relating to birth families
 - 44.3. support for adopted people

- 44.4. protection of the rights of adoptive parents and support for adoptive parents to ensure the long term well-being of the adopted child, and
- 44.5. te Tiriti (see discussion in paragraphs 24 – 26).
- 45. In our engagement with Māori, along with suggestions for a Tiriti principle, participants expressed support for principles relating to whāngai, ahi kaa, and subsidiarity (prioritising placement firstly within whānau, then considering hapū, iwi, and other iwi, before considering non-Māori). They also said that for adoption to cater to tamariki Māori there needs to be considerable thought about the purpose and settings that will make it safe for Māori.

Who can be adopted

- 46. The discussion document set out two options for who can be adopted:
 - 46.1. A child can only be adopted if they are under a certain age
 - 46.2. Adults can't be adopted under New Zealand law.
- 47. Over 70% of written submissions on who can be adopted supported setting an age limit at 18 years old. Many people considered that by age 18, a young person will have attained a level of independence and will no longer be in need of parental care. Some people noted that 18 years old was consistent with other domestic and international law. A number of professional submitters supported an “exceptional circumstances” clause to provide flexibility if delays held an adoption application up past a child's 18th birthday.
- 48. However, the majority of the adopted young people we engaged with supported having no age restriction on adoption, and allowing adult adoptions to occur. These young adopted persons tended to have very positive views of the benefits of adoption, and considered that the benefits of parental care and recognition of family relationships could also be beneficial for young adults.

Who can adopt a child and adoptions involving different cultures

- 49. The discussion document set out the following options for who can adopt a child:
 - 49.1. A person must be over 18 years
 - 49.2. People aren't prevented from adopting because of their sex or relationship status
 - 49.3. Step-parent adoptions should be allowed
- 50. The discussion document did not set out specific options for adoptions involving different cultures but asked respondents if they think the law should encourage children to be adopted by adoptive parents within their own culture.

51. We asked whether the only eligibility criteria to be able to apply to adopt was that person was 18 years or older. Fewer than half of written submitters agreed, primarily noting the need for strong suitability assessments to ensure that adoptive applicants will be safe and appropriate carers for a child. We note that these assessments will be part of the proposed new system, but come after a person is eligible to apply.
52. Those who supported 18 years as the sole legislative eligibility criterion focused on the importance of allowing the best person to care for a child to apply to adopt. On that basis, nearly all those we engaged with also agreed that sex and marital status should not be barriers to being eligible to adopt a child. A few submitters supported restricting step-parents or family members from adopting a child. Around 15% of written submitters considered that 18 was too low an age for eligibility, and suggested that an applicant should have to be older (most commonly between 20-25 years old).
53. Everyone who responded agreed that robust suitability assessment of adoptive parents was essential. People agreed that some aspects of suitability should be specified, including criminal convictions, medical history and financial history. However, nearly everyone also agreed that the suitability assessment should be flexible, so criteria can be adjusted for particular cases and over time.
54. Impartiality and independence of suitability assessment was very important for many people. Submitters generally favoured the Court having access to a range of inputs from a range of sources to mitigate the potential for bias. However, some people made critical comments about the role of the Court and social workers, especially Māori and Pacific peoples, who considered that suitability assessments need to acknowledge cultural differences.
55. A majority of people were in favour of the law encouraging children to be adopted within their own culture. Most people who supported this option agreed there should be flexibility. They noted that while adoptions within a culture are desirable, sometimes an adoption within their culture may not be possible, and it may be in the child's best interests for them to be placed with an adoptive family of another culture. Most Māori and many adopted people felt strongly that cross-cultural adoptions should not occur except in exceptional circumstances.

Role of the social worker in the adoption process

56. The discussion document set out the following options regarding the role of the social worker in the adoption process:
 - 56.1. A dedicated social worker must be appointed for the child
 - 56.2. The social worker should be suitably qualified to represent that child, to the extent practicable, by reason of their personality, cultural background, training, and experience
 - 56.3. The social worker should provide the child with age-appropriate information about adoption, its impact, and their rights
 - 56.4. There must be a child-centred social worker report on the application

- 56.5. The social worker report must include:
- how the child participated, including any views expressed by the child;
 - the suitability of the adoptive parents;
 - the views of birth family and whānau; and,
 - cultural information about the child
- 56.6. The suitability assessment that informs the social worker report should be left to professional discretion, rather than set in law
- 56.7. Adoptive applicants are required to engage with Oranga Tamariki before making an application to the Court
- 56.8. The social worker must tell the birth parents about:
- any other types of care arrangements available; and,
 - the requirement for a Judge to consider alternative care arrangements before making an adoption order.
57. The majority of people who commented on the role of the social worker thought a dedicated social worker should be appointed for the child. Most people who supported this option noted that it is important to provide the child with an independent and impartial advocate. However, there were questions about the competence of social workers and resourcing as a practical barrier.
58. Around 65% of written submitters agreed that a dedicated social worker should be matched to the child based on their similar characteristics. Those who agreed considered that this would support the social worker's connection with and understanding of the child. Those who disagreed considered that the social worker should be chosen for the child based on their skills, expertise and qualifications, over and above any other attributes. They also said that matching was impractical given the current shortage of social workers and other capability issues.
59. The majority of people agreed that the social worker should provide the child with age-appropriate information. There was strong support for openness and transparency, and ensuring the child is well-informed.
60. The majority of those we engaged with agreed that the social worker report should be child centred and cover matters related to participation, adoptive applicants' suitability, family and whānau views and cultural information. Many submitters noted that the child's welfare and safety should be at the forefront of the report. Some people suggested other matters to be covered in the report, for example, the child's level of attachment to adoptive applicants.
61. The majority of people agreed that suitability assessments should be left to the professional discretion of the social worker. Many noted the importance of protecting the child's wellbeing, and said that this was the most important consideration. Most people also thought that the social worker should be able to approve placement of the child before an adoption order is made for continuity and certainty.

62. The majority of written submitters and participants in engagement supported adoptive applicants being required to engage with Oranga Tamariki before applying to the Court. However, some people raised concerns about Oranga Tamariki's role and the unwillingness of some parents to engage with them. Some Māori we engaged with suggested whānau and iwi would be more appropriate than Oranga Tamariki to be facilitating adoption processes for tamariki Māori.
63. Nearly everyone agreed that social workers should need to tell birth parents about other available care arrangements. People said that the option would provide for informed decision-making, openness and honesty in the adoption process, and that it would ensure parents can consider all possible options for a child's care. Some adopted people discussed this option in the context of stating that adoption should no longer be available or should only be a last resort after other options had been considered.

Who can have a say

Children being adopted

64. The discussion document set out the following options for child participation in the adoption process:
 - 64.1. The social worker must encourage the child to participate in the adoption process and document how the child participated, including any views expressed by the child, in the social worker report
 - 64.2. A lawyer may be appointed to represent the child
 - 64.3. The child is able to attend and speak at the adoption proceedings
 - 64.4. The child is not required to consent to the adoption
65. Nearly everyone agreed with the options for increasing child participation in the adoption process. Many people noted that the level of participation should depend on the child's age, maturity, and mental capacity. The majority of people agreed that a dedicated social worker and trained lawyer for child should be appointed to help the child participate and share their views. Almost 75% of written submitters agreed with appointing a dedicated social worker, and over 85% agreed with appointing a lawyer for child. Some submitters thought that a lawyer for child should only be appointed on a case-by-case basis as it may not always be necessary.
66. Around 33% of those we engaged with thought a child's consent to their adoption should be required once they were mature enough to consent. A similar number disagreed, and considered that a child should not be required to consent. Some said the child should not need to consent, but that their wishes were important and should be factored into decision-making. Those who disagreed with requiring consent noted that doing so may have risks, including that it may put a lot of pressure on the child.

Parents placing their children for adoption

67. The discussion document set out the following options for participation of birth parents in the adoption process:
 - 67.1. The birth mother and birth father's consent (or agreement) to the adoption is required, unless it's dispensed with
 - 67.2. Birth parents can only give their agreement to the adoption after 30 days from the birth of the child
 - 67.3. Birth parents can withdraw (or take back) their consent up until a final adoption order is made
 - 67.4. The Court may dispense with consent (or not require the consent) of a birth parent where:
 - informing a birth parent about a child's adoption would pose a clear risk to the child or other birth parent; or,
 - the parent meets the grounds of having abandoned, neglected, persistently ill-treated or failed to exercise the normal duty and care of parenthood to the child.
 - 67.5. The Court can't dispense with a birth parent's consent solely on the basis of mental or physical incapacity
 - 67.6. Birth parents have the right to attend and participate in adoption proceedings
68. Most people we engaged with supported both birth parents being required to consent to an adoption unless their consent was dispensed with. Most people also supported birth parents being able to attend adoption proceedings and speak. Similarly, nearly everyone agreed that there are occasions where it will be inappropriate for some birth parents to consent, but that the Court should be cautious in dispensing with a parent's consent.
69. There were mixed views on the time period birth parents should be required to wait after a child's birth before agreeing to an adoption. About equal numbers of people supported timeframes being both shorter and longer than the proposed 30 days.
70. A majority of people supported birth parents being able to withdraw their consent to an adoption if they changed their mind before a final order is made. However, most adopted young people and some other submitters disagreed that birth parents should be able to withdraw their consent, with many highlighting the impacts it could have on the security of the child, especially if they were not an infant.

Wider family and whānau

71. The discussion document set out the following options for participation of wider family and whānau in the adoption process:
 - 71.1. Birth family and whānau views on the adoption must be included in a social worker's report to the Court, unless it would cause unwarranted distress to the child or birth parents

- 71.2. Birth family and whānau can attend adoption proceedings with the right to be heard, unless it would cause unwarranted distress to the child or birth parents
72. Written submitters and in-person and online engagements all strongly stressed the value that family and whānau involvement can bring to the adoption process. People noted that family and whānau involvement can support ongoing contact and connections for a child to their identity and culture.
73. 75% of written submitters agreed that family and whānau should be informed about an adoption and have their views recorded in the social worker report. People said that family and whānau had a right to give their views on an adoption, and may hold information that would help the Court to make a decision about whether an adoption was in the child's best interests.
74. A majority of written submitters and participants in engagement also supported family and whānau having the right to attend and be heard at adoption proceedings. However, some people noted that direct involvement was more likely to exacerbate harm in difficult and abusive family situations and would need to be carefully managed.
75. There was no general agreement about who should decide whether family and whānau involvement will cause unwarranted distress. Suggestions included social workers, the Court and birth parents.

Hapū and iwi

76. The discussion document did not set out specific options for participation of hapū and iwi in the adoption process.
77. Māori participants in our face-to-face engagements strongly supported hapū and iwi involvement in the adoption process. Māori highlighted the importance of hapū and iwi knowing about the prospective adoption of a child to ensure that the child can be properly registered and remain connected to their hapū and iwi links. They also noted hapū and iwi could have a role in supporting and advocating for whānau, and helping whānau to have discussions about the best arrangements for care of the child. Iwi, Māori organisations and some Māori individuals advocated for Crown partnership with hapū and iwi in delivery of a number of services and supports to whānau Māori considering adoption.
78. In general, non-Māori had little to say on this topic, with many saying it was a matter for Māori to decide.

Decision-making on adoption

79. The discussion document set out the following options for decision-making on adoption:
- 79.1. The Court continues to be responsible for decision-making in the domestic adoption process
- 79.2. The Government continues to be responsible for assessment functions in the domestic adoption process

- 79.3. The Court has the power to order a cultural report
- 79.4. The Court has the power to order a medical, psychiatric or psychologist report
80. Nearly everyone we engaged with thought the Court should continue to be responsible for decision-making in domestic adoptions. The Court was generally seen to be impartial, independent and accountable. People noted it was important that the Court be fully informed in making adoption decisions.
81. A majority of people thought that the government should be responsible for assessment of the suitability of adoptive applicants. However, many people had concerns about certain agencies' involvement, in particular Oranga Tamariki. Some people felt that government processes are too cumbersome and that Oranga Tamariki's history and current practices make it unsuitable for this role.
82. Most people agreed that the Court should be able to order additional reports including cultural, medical, psychiatric and psychologist reports to assist with decision-making. People considered that these reports were essential to ensure an adoption is in a child's best interest and that the Court can make informed decisions.
83. A majority of people agreed that the Court should be satisfied that alternative care arrangements have been considered before making an adoption decision.

What is the legal effect of adoption

84. The discussion document set out the following options for the new legal effect of adoption:
- 84.1. After an adoption, both the birth parents and the adoptive parents are recognised as legal parents of the child
- 84.2. Adoptive parents:
- become the guardians of the child, including all associated duties, powers, rights and responsibilities, including providing day-to-day care for the child
 - are financially responsible for the child
- 84.3. Birth parents are no longer guardians of the child and are no longer financially responsible for the child
- 84.4. The child can inherit citizenship from their birth parents and adoptive parents
- 84.5. Adopted people have two birth certificates:
- one birth certificate with only their adoptive parents listed, and
 - one birth certificate with both their birth and adoptive parents listed
- 84.6. A Judge can consider changing an adopted person's surname at the time of the adoption, where they deem it appropriate

85. Most people agreed with the options suggested for the new legal effect of adoption. People said that a legal effect of adoption that adds adoptive parents, while keeping a connection with birth parents would support the identity and wellbeing of the child. Many adopted persons and adoption professionals discussed the harm done by the current “legal fiction” that severs the legal relationship between the adopted person and their birth parents. While some people raised practical questions about the new legal effect, almost 75% of written submitters supported it, as well as most people in other engagement.
86. Most submitters who supported the new legal effect noted that this would provide openness and transparency, and would reduce the harm caused by closed adoptions. Keeping connections to birth whānau and whakapapa was especially important for participants in the Māori community workshops and iwi hui.
87. A small number of people questioned why adoption was needed at all, given the proposed new legal effect, and suggested care or guardianship orders could be used instead.
88. Fewer than 50% of written submitters thought that an adopted person should be able to inherit from both their birth and adoptive parents. Some adopted people said that there is a moral right for adopted people to be able to inherit birth parent’s property. Others said that inheritance is not a priority and that adopted persons’ rights to identity and information are more important. However, in targeted engagement with Māori nearly everyone agreed that adopted Māori should have a right to Māori land on the basis of their whakapapa connections.
89. More than 75% of written submitters supported adopted persons having a right to two birth certificates: one with their birth and adoptive parents, and one with only their adoptive parents. People said that birth certificates were an essential part of identity and they should reflect a person’s heritage.
90. Around 66% of written submitters agreed that a judge should be able to consider changing a child’s surname when they are adopted. Almost 80% thought a child’s first name should only be allowed to be changed where a judge considers it is in the child’s best interests.

What ongoing contact can adopted children and birth parents have

91. The discussion document gives the following options for post-adoption contact:
 - 91.1. Post adoption contact agreements are introduced, which:
 - are required to be considered in all domestic adoption cases
 - are agreed to before an adoption is finalised
 - allow the child to participate where appropriate
 - are flexible and can be amended via mediation, and

- involve the wider birth family and whānau
- 91.2. If the child and the adoptive parents are moving away, the adoptive parents must consult the birth parents and wider family and whānau to consider how post-adoption contact (if it occurs) can best be maintained following relocation
- 91.3. The discussion document did not set out specific options for post-adoption culture plans but asked respondents if they would support these being introduced.
92. Over 75% of written submitters supported post-adoption care agreements being considered in all adoption cases. There were mixed views on how contact agreements should work. About 50% of written submitters agreed that adoptive parents should have to consult birth parents if they are moving, and about 50% thought that agreements should be enforceable. There was no clear consensus on what enforcing contact agreements should look like, but most people agreed that mediation should be used before any enforcement.
93. While a majority of Māori survey respondents supported post-adoption culture plans in theory, most participants in the Māori community workshops and iwi hui felt that cross-cultural adoption should not happen at all. They noted that even with a culture plan it is likely to be very difficult for adopted Māori to properly connect with their culture.

What support can people access

94. The discussion document did not set out specific options for adoption support but asked respondents what kinds of support they thought should be available and when this support should be available.
95. A majority of people we engaged with considered that counselling or mental health support is an essential support service for those affected by adoption. There was also strong support for other services, such as support groups and education for adoptive families. A few submitters stated that support for adopted people to reunify with birth-families would also be very useful.
96. Many of those we engaged with acknowledged the need for services to support the preservation of whakapapa and reconnecting with cultural ties. Māori engagements emphasised the need for Māori to be involved in design and delivery of support services for whānau Māori. Pacific engagements reinforced that support needs to be culturally sensitive, and cultural competency is very important, especially for intercountry adoptions.
97. Nearly everyone thought that support should be on-going and life-long. They also thought it should be fully funded and available at any point when an adopted person needs it. There was a particular emphasis on post-adoption support, and the fact that the impact of adoption can surface in different ways later in life. Pacific communities noted that there is a need to support intercountry adopted children transitioning to life in New Zealand.
98. A majority of written submitters and participants in engagement thought that support should be available to birth parents and adoptive parents, alongside adopted people.

People thought support should occur pre-adoption, to help the adoptive parents prepare for the adoption and navigate raising the child, and post-adoption, to support all those involved to address ongoing trauma and the needs of the child.

99. Many adopted people noted the need for adoption-specific support services. They said there is a need for professionals, like therapists and counsellors, to be educated about adoption and its impacts.

Who can access adoption information and when

100. The discussion document sets out the following options for access to adoption information:
 - 100.1. Adopted people can automatically access information on their original birth record.
 - 100.2. There are no age restrictions for adopted people accessing their adoption information, but that information could be made age-appropriate where needed.
 - 100.3. Adopted people aren't required to undergo counselling to access their original birth certificate, but counselling is available if requested.
 - 100.4. An original birth certificate isn't required to access adoption information held by Oranga Tamariki after 1986.
101. The discussion document did not set out specific options regarding vetoes but asked respondents if they supported vetoes continuing.
102. The question about access to adoption information attracted the highest number of responses in written submissions and was raised in all other engagements. Over 80% of people agreed that adopted people should have access to their original birth record without age restrictions or counselling requirements (as is currently the case).
103. There was a mix of views on who else, other than the adopted person, should be able to access adoption information. A majority of people thought that the adopted person, adopted parents and birth parents should have access to the original birth record. Other respondents thought that anybody affected by the adoption should be able to access the original birth record. The majority of participants at in-person engagements thought that access should be extended to wider family and whanau, including grandparents and descendants. This view was expressed most strongly by Maori, Pacific communities, and adopted people.
104. Some people talked about the need for access to wider information than the discussion document mentioned, mainly relating to access to family medical records. Adopted people shared stories of discovering genetic health difficulties at a later age with adverse results, due to a lack of information.
105. Over 75% of people supported removing vetoes on accessing adoption information, either with a phase-out period or immediately. We engaged with two persons who were unable to access their adoption information because of vetoes, and both strongly advocated for vetoes to be abolished. We have not identified any submission from any veto holders in either of our rounds of engagement.

What if things go wrong

106. The discussion document set out the following options for discharging adoption orders:
- 106.1. Where the adopted person is still a child, the birth parents or adoptive parents may apply to have the adoption order discharged (or reversed).
 - 106.2. Where the adopted person is an adult, they may apply to have the adoption order reversed.
 - 106.3. An adoption order may be reversed where it's in the interests of the adopted person, and there is:
 - a material mistake or misrepresentation in the original adoption proceedings
 - mutual consent of birth and adoptive parents
 - an irretrievable breakdown in the relationship between adoptive parents and the adopted person
 - 106.4. Birth parents and adoptive parents can be involved in adoption proceedings, but don't need to agree to the adoption order being reversed.
 - 106.5. Where the Court is considering reversing an adoption order in relation to a child, the Court should consider whether other orders under the Care of Children Act or the Oranga Tamariki Act should also be made.
107. The discussion document does not set out specific options for varying an adoption order but asks respondents if they think the court needs to be able to vary adoption orders, and when this should happen.
108. Nearly everyone who responded to questions about varying or reversing an adoption order acknowledged the seriousness of adoption orders, and that decisions about varying or reversing them should be based on the best interests of the adopted person. However, most people agreed that that a child's adoption should be able to be reversed on the basis of material mistake or misrepresentation, mutual consent or irretrievable breakdown of the adoptive relationship. Most people supported an adult adopted person having the right to have an adoption reversed if they consider the adoption is not in their best interests.
109. Nearly everyone agreed with judges being able to consider making other orders for the care of an adopted person when considering reversal and with birth and adoptive parents being able to share their views on reversal of a child's adoption when a reversal comes to Court.
110. Most people did not think that applications to reverse an adoption order should require the Attorney-General's approval, or any other filter. This was especially the case if the adopted person was an adult.

What happens in overseas and intercountry adoptions

111. The discussion document sets out the following options for overseas and intercountry adoptions:

111.1. The law clearly defines overseas and intercountry adoptions:

- Overseas adoptions are those where both the child and adoptive applicant(s) do not live in Aotearoa New Zealand
- Intercountry adoptions are those where the adoptive applicant(s) live in Aotearoa New Zealand and the child lives overseas

111.2. Aotearoa New Zealand continues to facilitate adoptions via the established Hague Convention process.

111.3. A new process be established for intercountry adoptions outside of the Hague Convention.

111.4. The automatic recognition of overseas adoptions takes place via an administrative process.

Overseas adoption

112. Of those who commented on the definition of overseas adoptions, over 50% thought that overseas adoptions should be defined in law and agreed with our proposed definition. Fewer than 50% agreed that overseas adoptions should be recognised via an administrative process, with a third saying they were unsure. An equal number said that the New Zealand Family Court should be involved, or that requiring the Court to be involved would be burdensome.

113. There were a range of views on what the overseas adoption recognition process should look like and what criteria should need to be satisfied. 33% of people who suggested criteria thought that the adoption should need to be legal in the overseas court, with many of those (including three of the interviewed adopted young people) thinking that should be sufficient. In our Pacific engagements, participants strongly considered that the overseas adoption process should not be made harder.

114. Nearly everyone agreed that the law should have better safeguards and vetting processes to protect the adopted child. People said that our adoption processes should consider and recognise the needs of other cultures. Some Pacific community members also recommended that there should be consideration of a special pathway for Pacific countries to adopt.

Intercountry adoption

115. Most people thought intercountry adoptions should be able to continue. Feedback from Pacific communities was that intercountry adoption provides a way to bring children to New Zealand for better education, work and other opportunities. A small number of people (mainly adopted people) thought that intercountry adoption should be abolished.

116. The majority of people who talked about the Hague Convention⁴ intercountry adoption process agreed that New Zealand should continue to facilitate those intercountry adoptions via the established administrative process. They thought that it provides protection, safeguards and a robust process.
117. There was a mix of views on what an intercountry adoption pathway outside of the Hague Convention should look like. Some people said that it should match the Hague Convention's requirements, or the new domestic adoption process set out in the discussion document. Most people who supported intercountry adoption thought that there should be better vetting of adoptive parents and their families.

⁴ Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption process.

Appendix 1 - Objectives of reviewing adoption law in Aotearoa

The following objectives have been created to help to shape the development of adoption law in Aotearoa. They will be used to guide and consider suggestions for reform.

1. To modernise and consolidate Aotearoa New Zealand's adoption laws to reflect contemporary adoption processes, meet societal needs and expectations, and promote consistency with principles in child-centred legislation.
2. To ensure that children's rights are at the heart of Aotearoa New Zealand's adoption laws and practice, and that children's rights, best interests and welfare are safeguarded and promoted throughout the adoption process, including the right to identity and access to information.
3. To ensure that adoption laws and practice meet our obligations under Te Tiriti o Waitangi and reflect culturally appropriate concepts and principles, in particular, tikanga Māori, where applicable.
4. To ensure appropriate support and information is available to those who require it throughout the adoption process and following an adoption being finalised, including information about past adoptions.
5. To improve the timeliness, cost and efficiency of adoption processes where a child is born by surrogacy, whilst ensuring the rights and interests of those children are upheld.
6. To ensure Aotearoa meets all of its relevant international obligations, particularly those in the UN Convention on the Rights of the Child and the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption.

Appendix 2 – Responses in written submissions and online survey to *A new adoption system for Aotearoa New Zealand* discussion document

	Question	Response rate (n/%)	Response (% of those who responded to question)		
			Yes	No	Unsure
1	Do you agree with setting out the purpose of adoption in law, centred around the child's best interests?	98 / 68.5	75.5	11.2	13.3
2	Do you agree with the principles for adoption we are considering?	95 / 66.4	69.5	11.6	18.9
3	Are there any principles for adoption that you think are missing?	86 / 60.1	50	25.6	24.4
4	Do you think a specific te Tiriti principle for adoption is needed?	85 / 59.4	40	25.9	20.3
5	Do you think the age limit for people to be able to be adopted should be: 16 years OR 18 years	79 / 55.2	16 years: 29.1	n/a	n/a

	Question	Response rate (n/%)	Response (% of those who responded to question)		
			Yes	No	Unsure
			18 years: 70.9		
6	Do you agree that the only criteria for who is able to adopt a child should be that they are 18 years or older?	87 / 60.8	40.2	49.4	10.3
7	Are there any criteria for who is able to adopt a child that you think are missing?	59 / 41.3	55.9	13.6	8.5
8	Do you think the law should encourage children to be adopted by adoptive parents within their own culture?	91 / 63.6	53.8	26.4	19.8
9	Do you agree that a dedicated social worker should be appointed for the child?	86 / 60.1	73.3	9.3	17.4
10	Do you agree that the dedicated social worker should need to be matched to the child based on their similar characteristics?	83 / 58	26.5	34.9	22.4
11	Do you agree that the dedicated social worker should have to provide the child with age-appropriate information about the adoption?	81 / 56.6	72.8	8.6	18.5
12	Do you agree that the social worker should be able to approve placement of the child with the prospective adoptive parents before an adoption order is made?	81 / 56.6	69.1	12.3	18.5

	Question	Response rate (n/%)	Response (% of those who responded to question)		
			Yes	No	Unsure
13	Do you agree that the social worker should need to tell the birth parents about other available care arrangements?	86 / 60.1	82.6	8.1	9.3
14	Do you agree that the social worker should have to tell the birth parents that the judge will look at whether other care arrangements were considered when the application reaches the Court?	Question not included in survey			
15	Do you agree that the social worker should encourage the child's participation and record the child's views in their report?	84 / 58.7	88.1	4.8	7.1
16	Do you agree that a lawyer for child should be able to be appointed?	89 / 62.2	87.6	3.4	9
17	Do you agree that a child should be able to attend and speak at adoption proceedings?	87 / 60.8	81.6	2.3	16.1
18	Do you agree that a child shouldn't be required to consent to their adoption?	87 / 60.8	31	31	37.9
19	Do you agree that both parents' agreement to an adoption should be required?	85 / 59.4	54.1	27.1	18.8
20	Do you agree that birth parents' agreement to an adoption should only be able to be given 30 days after the child's birth?	81 / 56.6	46.9	30.9	22.2

	Question	Response rate (n/%)	Response (% of those who responded to question)		
			Yes	No	Unsure
21	Do you agree that birth parents should be able to take back their consent up until a final adoption order is made?	84 / 58.7	56	15.5	29
22	Do you agree that the Court should be able to not require the consents of a birth parent where: <ul style="list-style-type: none"> a. Informing a birth parent about a child's adoption would pose a clear risk to the child or other birth parent? b. The parent meets the grounds of having abandoned, neglected, persistently ill-treated or failed to exercise the normal duty and care of parenthood to the child? 	83 / 58	79.5	4.8	15.7
23	Do you agree that the Court shouldn't be able to remove a birth parent's consent solely on the basis of mental or physical incapacity?	81 / 56.6	54.3	19.8	25.9
24	Do you agree that birth parents should have the rights to attend and participate in adoption proceedings?	82 / 57.3	79.3	7.3	13.4
25	Do you agree that the child's family and whānau views should be included in the social worker report, unless it would cause unwarranted distress to the child or birth parents?	85 / 59.4	77.6	11.8	10.6

	Question	Response rate (n/%)	Response (% of those who responded to question)		
			Yes	No	Unsure
26	Do you agree that family and whānau should have the right to attend and be heard at adoption proceedings, unless it would cause unwarranted distress to the child or birth parents?	85 / 59.4	64.7	20	15.3
27	Who do you think should decide if involving the family and whānau in adoption proceedings will cause unwarranted distress?	77	n/a	n/a	n/a
28	Do you think hapū and iwi should need to be consulted before tamariki Māori are adopted?	77 / 53.8	45.5	26	30
29	Do you agree that the Court should continue to be responsible for decision-making in the domestic adoption process?	80 / 55.9	85	1.3	13.8
30	Do you agree that the Government should continue to be responsible for assessment functions in the adoption process?	81 / 56.6	72.8	4.9	22.2
31	Do you agree that adoptive applicants should be required to engage with Oranga Tamariki before applying to the Court?	83 / 58	68.7	19.3	12
32	Do you agree that a judge must be satisfied that the applicants are suitable to adopt before making an adoption order?	83 / 58	92.8	1.2	6

	Question	Response rate (n/%)	Response (% of those who responded to question)		
			Yes	No	Unsure
33	Do you agree that a judge's decision on suitability to adopt should be informed by the social worker report and any other relevant information?	83 / 58	89.2	6	4.8
34	Do you agree that the social worker report should be child-centred and cover matters related to participation, adoptive applicants' suitability, family and whānau views and cultural information?	84 / 58.7	83.3	9.5	7.1
35	Do you agree that suitability assessments should be left to professional discretion?	81 / 56.6	64.2	18.5	17.3
36	Do you agree that the Court should be able to order additional reports including cultural, medical, psychiatric and psychologist reports?	85 / 59.4	90.6	4.7	4.7
37	Do you agree that the Court should have to be satisfied that alternative care arrangements have been considered before making an adoption order? Why or why not?	85 / 59.4	80	12.9	7.1
38	Do you agree that a final adoption order should be made in most circumstances?	77 / 53.8	79.2	11.7	9.1
39	When do you think an interim adoption order might be suitable?	65 / 45.5	n/a	n/a	n/a

	Question	Response rate (n/%)	Response (% of those who responded to question)		
			Yes	No	Unsure
40	<p>Do you agree with the options we've suggested for the new legal effect of adoption that:</p> <ul style="list-style-type: none"> a. Adoptive parents should have day-to-day responsibility for the child b. The birth parents should keep a legal connection to their child c. Financial responsibility should remain with the adoptive parents d. Children should be able to inherit citizenship from both sets of parents, and e. Guardianship and its associated responsibilities should be removed from the birth parents? 	88 / 61.5	68.2	15.9	15.9
41	Do you think we should change how adopted people inherit property from their birth parents when they die? If so, what do you think the law should be?	83 / 58	47	31.3	21.7
42	Do you agree that adopted people should have access to two birth certificates?	95 / 66.4	77.9	13.7	8.4
43	Do you think that a judge should be able to consider changing a child's surname during the adoption process?	84 / 58.7	67.9	17.9	14.3
44	<p>Do you think:</p> <ul style="list-style-type: none"> a. A child's first name shouldn't be allowed to be changed, OR 	<p>79 / 55.2</p> <p>a: 21.5</p>	n/a	n/a	n/a

	Question	Response rate (n/%)	Response (% of those who responded to question)		
			Yes	No	Unsure
	b. A child's first name should only be allowed to be changed when it's in their best interests?	b: 78.5			
45	Do you think that first name changes should be restricted until the adopted person is able to change their name themselves?	81 / 56.6	29.6	54.3	16
46	Do you agree that post adoption contact agreements should be introduced?	86 / 60.1	76.7	16.3	7
47	Do you agree that the adoptive parents should have to consult the birth parents on maintaining contact if they are moving?	79 / 55.2	49.4	35.4	15.2
48	Do you think that contact agreements should be enforceable?	84 / 58.7	50	29.8	20.2
49	If contact agreements were enforceable, what should that look like?	53 / 37.1	n/a	n/a	n/a
50	Do you think adoptive parents should be required to have post-adoption culture plans? Why or why not?	81 / 56.6	49.4	29.6	21
51	What types of support do you think people impacted by adoption should have access to?	88 / 61.5	n/a	n/a	n/a
52	When do you think support should be available?	83 / 58	n/a	n/a	n/a

Question		Response rate (n/%)	Response (% of those who responded to question)		
			Yes	No	Unsure
53	Do you agree that adopted people should be able to automatically access information on their original birth record, with no age restrictions or counselling requirements?	100 / 69.9	81	14	5
54	Do you agree that an original birth certificate shouldn't be required to access adoption information held by Oranga Tamariki for adoptions after 1986?	81 / 56.6	79	8.6	12.3
55	Who do you think should be able to access information on an adopted person's original birth record?	90 / 62.9	n/a	n/a	n/a
56	Do you think the existing veto system should continue and be renewed every 10 years? OR	71 / 49.7	23.9	n/a	n/a
57	Do you think existing vetoes should be able to be renewed one more time for a further 1-2 years and then they expire, with a discretionary process available for people to apply for an extended veto?	71 / 49.7	76.1	n/a	n/a
58	Do you think the Court needs to be able to vary adoption orders?	72 / 50.3	55.5	19.4	25
59	If yes, when do you think the Court should be able to vary adoption orders?	50 / 35	n/a	n/a	n/a
60	Do you think the birth parents or adoptive parents should be able to apply to have an adoption order reversed where the adopted person is still a child?	76 / 53.1	43.4	27.6	28.9

	Question	Response rate (n/%)	Response (% of those who responded to question)		
			Yes	No	Unsure
61	Do you think an adult adopted person should be able to apply to have an adoption order reversed?	86 / 60.1	72.1	15.1	12.8
62	Do you agree with the below grounds for reversing an adoption order: a. A material mistake or misrepresentation in the original adoption proceedings b. Mutual consent of birth and adoptive parents c. An irretrievable breakdown in the relationship between adoptive parents and the adopted person?	78 / 54.5	65.4	17.9	16.7
63	Do you agree that the birth and adoptive parents should be able to participate in proceedings about, but not need to agree to, an adoption order being reversed?	75 / 52.4	68	18.7	13.3
64	Do you agree that the Court should need to consider whether other orders need to be made when deciding to reverse an adoption order?	77 / 53.8	77.9	3.9	18.2
65	Do you think that 16 and 17 year-olds should be able to apply to reverse their own adoption order with the Court's consent?	79 / 55.2	45.6	32.9	21.5
66	Do you think the Attorney-General's consent should be needed to apply for an adoption order to be reversed?	82 / 57.3	26.8	53.6	19.5

	Question	Response rate (n/%)	Response (% of those who responded to question)		
			Yes	No	Unsure
67	Do you have any views on how to filter applications or assist applicants through the adoption reversal process?	57 / 39.8	n/a	n/a	n/a
68	Do you agree that the law should define an overseas adoption as one where both the child and adoptive applicant(s) do not live in Aotearoa New Zealand? 71.	79 / 55.2	59.5	13.9	26.6
69	Do you agree the law should define an intercountry adoption as one where the adoptive applicant(s) live in Aotearoa New Zealand and the child lives overseas?	77 / 53.8	83.1	3.9	13
70	What do you think the new intercountry adoption process should look like?	66 / 46.2	n/a	n/a	n/a
71	What criteria do you think should be met for Aotearoa New Zealand to recognise overseas adoption?	56 / 39.2	n/a	n/a	n/a
72	Do you agree that overseas adoptions should be recognised via an administrative process (rather than through the Court)?	69 / 48.2	47.8	18.8	33.3
73	Do you agree the law should continue to facilitate intercountry adoptions via the established Hague Convention process?	75 / 52.4	62.7	17.3	20

Ministry of Justice
Tāhū o te Ture

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